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EXAMINER	
LEATHERS, VERNIQUE T	

ART UNIT	PAPER NUMBER
2456	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,435	VAU ET AL.	
	Examiner	Art Unit	
	VERNIQUE LEATHERS	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/10/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, and 13-14 are rejected under 35 U.S.C. 102 (b) as being anticipated by Danker et al. **(**US Patent Application Pub No.: 20040172662 A1**).**

As per claim 1, Danker discloses a method of image distribution from a central distribution server to at least one receiver device , in which, in response to a user request at least one image is broadcast by a telecasting means, and an information message of image availability by telecasting is sent to the receiver device. **(**Danker,

> Paragraph [0020] states:
> The content distribution system 106 also stores a video on demand (VOD) information file 125. The VOD information file 125 stores information about video on demand content programs available through the content distribution system 106. The information includes, but is not limited to, program titles, program descriptions, run time, price, etc. The VOD file 125 may be requested by a client device 108 to be downloaded over the broadcast network 110.**)**

Referring to claim 2, Danker discloses a method according to claim 1, wherein the

image to be broadcast is transmitted from the server to a telecasting station.

(Danker,

> Paragraph [0015] states:
> A content provider 102 includes a content server 112 to control distribution of stored content 114, such as movies, television programs, commercials, music, and similar audio, video, and/or image content from content provider 102 to the content distribution system 106.**)**

Referring to claim 13, Danker discloses a digital photo frame comprising a network

communication channel **(**Danker,

> Danker, Paragraph [0023] states:
> Client device 108(2) is also coupled to receive broadcast content from broadcast network 110 and provide the received content to associated television 128(2). Client device 108(N) is an example of a combination television 130 and integrated set-top box 132. In this example, the various components and functionality of the set-top box are integrated into the television, rather than using two separate devices. The set-top box integrated into the television can receive broadcast signals via a satellite dish (similar to satellite dish 126) and/or via broadcast network 110. In alternate implementations, client devices 108 may receive broadcast signals via the Internet or any other broadcast medium, such as back channel 134 which can be implemented using a protocol such as an Internet protocol (IP), UDP protocol, etc.**).**

, a telecast signal reception channel **(**Danker,

> Danker, Paragraph [0022] states:
> Client devices 108 can be implemented in a number of ways. For example, a client device 108(1) receives broadcast content from a satellite-based transmitter via a satellite dish 126. Client device 108(1) is also referred to as a set-top box or a satellite receiving device.**)**.

, and display means of an image received by the telecast signal reception channel

(Danker,

> Danker Paragraph [0022] states:

> Client device 108(1) is coupled to a television 128(1) for presenting the content received by the client device (e.g., audio data, video data, and image data), as well as a graphical user interface. A particular client device 108 can be coupled to any number of televisions 128 and/or similar devices that can be implemented to display or otherwise render content.).

, wherein the network communication channel comprises a message reception module

(Danker, VOD prompt application 230, Paragraphs [0031], [0032], [0034], Figure 1 and

Figure 2 states:

> Paragraph [0031] states:
> [0031] A video on demand prompt application 230 is also stored in the non-volatile memory 216 and is configured to prompt users about interest in video on demand, and also to determine the appropriate time and/or context in which such prompts should be displayed. Also, in at least one other implementation, the video on demand prompt application can actually refer to other regularly scheduled programming together with or apart from the video on demand content.
>
> Paragraph [0032] states:
> [0032] The VOD prompt application 230 includes a control module 231, a user interface 233 and a monitoring module 235. The control module 231 controls the basic operations of the VOD prompt application 230. The user interface 233 consists of programmable processor-executable code that, when executed, provides a graphical video on demand user interface (VOD UI) 205 on a display device 204, through which a user may communicate with the VOD prompt application 230. The monitoring module 235 monitors content viewed on the display device(s) 204 to determine when a triggering event occurs that initiates one or more operations of the VOD prompt application 230.
>
> Paragraph [0034] states:
> [0034] A video on demand information file 238 is stored in the RAM 210 if and when it has been requested by the VOD prompt application 230. If the VOD prompt application 230 displays a prompt to a user for more information on available video on demand, the VOD prompt application 230 requests the VOD information file 125 (FIG. 1) from the content broadcasting system 106. The VOD prompt application 230 then has the information to display to the user.).

to trigger the telecast signal reception channel upon receipt of an image availability

message. (Danker,

Paragraph [0044] and Figure 3b states:
FIG 3b is an illustration of another exemplary video on demand prompt user interface 310 superimposed on a content program display screen 312. The user interface 310 identifies the channel on which a content program displayed on the display screen 312 is broadcast, a content program title, and prompts a user as to the user's interest in video on demand that is available. Specifically, the video on demand prompt user interface 310 provides the prompt: "CHANNEL (72): The Discovery Channel TITLE: Creatures of the Triassic Period--Video on demand programs related to the subject matter of the program you are watching are available for purchase. Would you like to see available programs?" A "Yes" response button 314 and a "No" response button 316 are provided with the video on demand prompt user interface 310 so that the user may quickly and easily accept or decline the video on demand offerings.

Paragraph [0057] states:
Furthermore, there are various ways in which the availability of VOD content may be confirmed. In the present example, it is assumed that step 409 is accomplished by sending a message to the content provider(s) 102 to confirm that assets being promoted are available.

Paragraph [0058] states:
The format of the display that shows video on demand content related to the event that is available may be implemented in any one of several ways. For example, available programs may be displayed in a list of titles of the programs. If so, items in the list may be selected to view the content related to the list item. Also, if selection of a list item, i.e., selecting and on-demand program incurs a charge, the list may be linked to a charging mechanism that charges a user account accordingly.

Paragraph [0059] and Figure 4 states:
If the user actuates the "No" response button 306, 316 or if a time-out period for a response expires ("No" branch, step 412), then the display is cleared at step 414 and the user continues to view the program that was previously being viewed.

Paragraph [0060] Figure 1, Figure 2 and Figure 4 states:
If the user wants to view the available VOD offerings, then the user selects the "Yes" response button 304, 314 ("Yes" branch, step 412)

and the control module 232 requests the VOD information file 125 from the content distribution system 106 at step 416. This request is typically an out-of-band request that is made during a regularly scheduled communication between the content distribution system 106 and client device 108 on the broadcast network 110. The VOD information file 125, 238 is received and stored at step 418.

Paragraph [0061] Figure 2 and Figure 4 states:
At step 420, the user interface module 234 uses data from the VOD information file 238 to display the video on demand offerings to the user.)

Referring to claim 14, Danker discloses a frame according to claim 13, wherein the telecast signal reception channel has a key decoder. **(**Danker,

Paragraph [0036] states:
Client device 202 also includes a content processor 244 which can include a video decoder and/or additional processors to receive, process, and decode broadcast video signals and program data, such as NTSC, PAL, SECAM, or other television system analog video signals, as well as DVB, ATSC, or other television system digital video signals. For example, content processor 244 can include an MPEG-2 or MPEG-4 (Moving Pictures Experts Group) decoder that decodes MPEG-encoded video content and/or image data. The systems described herein can be implemented for any type of video encoding format as well as for data and/or content streams that are not encoded.**)**

Claims 10-12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Nakano **(**European Patent Application No.: EP 0 796 014 A1**).**

As per claim 10, Nakano discloses an image distribution system comprising a central server **(**Nakano,

Column 4, lines 11-16 states:
The information provider apparatus comprises a still picture television wave transmitting apparatus for transmitting a natural still picture by time-division still picture broadcast system, and a data communication device for carrying out data communication with the user**)**.

, a first communication link between the server and a telecasting station (Nakano,

> Column 5, lines 10-13 states:
> A communication line such as public line or dedicated line is used to connect between the information provider apparatus 9 and the still picture broadcasting station apparatus 8).

and a second communication link between the central server and a receiver device

(Nakano,

> Column 5, lines 7-9 states:
> A communication line 11 such as public line or CATV line is used for connecting between the user apparatus 10 and the information provider apparatus 9).

, the receiver device being capable of receiving a telecast signal from the telecasting

station (Nakano,

> Column 5, lines 3-6 states:
> Terrestrial broadcasting wave path 12 or satellite broadcasting wave or CATV wave is used to connect between the still picture broadcasting station apparatus 8 and the user apparatus 10).

Referring to claim 11, Nakano discloses a system according to claim 10, wherein the

receiver device comprises a television set, a digital camera or any other device capable

of displaying an image (Nakano,

> Column 4, lines 17-21 states:
> The user apparatus comprises a still picture television receiver for receiving and displaying signals of natural still picture television wave transmitted by the time-division still picture broadcast system and for displaying the data thus transmitted and received.

> Column 5, lines 14-22 states:
> The user apparatus 10 comprises a set-top box 14 for receiving still picture, a display unit 13 and a dual- 15 tone telephone set 15. To the set-top box 14 for receiving the still picture, a television antenna for receiving still picture broadcasting, e television antenna for receiving satellite

> broadcasting or a coaxial cable for CATV are connected, and the set-top box 14 for receiving the still 20 picture is connected to the display unit 13 such as a television set).

As per claim 12, Nakano discloses a system according to claim 10, wherein the

receiver device (Nakano,

> Column 7, lines 3-4 states:
> The user apparatus 10 selects the frame of the requested still picture by using a frame control signal).

is a digital photo frame (Nakano,

> Column 7 lines 8-9 states:
> And displays it as a still picture on the display unit 13).

Nakano discloses a receiver device (user apparatus 10) which displays requested still

pictures on a display unit 13 (digital photo frame).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Danker et al. (US Patent Application Pub No.: 20040172662 A1) in view of Saito (US

Patent No.: 6182218 B1; hereafter Saito '218).

As per claim 3, all the limitations of claim 1 have been discussed above. However, Danker does not disclose wherein the image is encoded with at least one key before its broadcasting.

On the other hand, Saito '218 teaches wherein the image is encoded with at least one key before its broadcasting **(**Saito,

> Column 13 Lines 1-28 and Figure 7A and 7B states:
> The public-key management center prepares a public-key distribution screen as shown in FIG. 7A and the public-key is put in a predetermined position. This screen is prepared by using HTML (Hyper Text Markup Language) or XML (extensible Markup Language) so that the public-key can be easily separated and used.
> Image data is entered to a part thereof.(69)In this image data, the data for identification (owner's ID) of the public-key owner 21 is added as the invisible electronic watermark. The algorithm for this invisible watermark and the added position are known only to the public-key management center. Then, the public-key management center can know the description of the electronic watermark as shown in **FIG. 7B**, however, a normal screen as shown in **FIG. 7A** is provided when viewed and cannot be known the description of the electronic watermark for other people.(70)If the image screen is used for an advertisement, the cost required for the distribution of the public-key can be earned through the advertisement fees. Additional information such as urgent or notice information can be further inserted on another part thereof. Furthermore, a time stamp may be added to carry out management such as setting of a valid period.(71)A photograph as the image data is most appropriate content to be used to be added to the electronic watermark therein. Audio data can also be used as the content.(72)The broadcast station 23 broadcasts the public-key distribution screen, which has been prepared in the aforementioned manner, via the broadcast path 28.**)**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the image is encoded with at least one key before its broadcasting as taught by Saito '218 in the invention of Danker to provide a system which when protected data or content is downloaded from a network server to a user

device, an authentication process as to whether the user device is a legitimate device that is allowed to access protected data or content, for example, based on a public key cryptosystem or a shared-key cryptosystem, thereby verifying the authenticity of the user device.

As per claim 4, all the limitations of claim 3 have been discussed above. However, Danker does not disclose wherein the key is sent to the receiver device with the availability information message.

On the other hand, Saito '218 teaches wherein the key is sent to the receiver device with the availability information message.

(Saito,

> Column 15 Lines 20-54 states:
> The user 44, who wishes to place an order or the like in the electronic commerce to the public-key owner 41, transfers some data as identification data for user which certifies the identity of the user 44 to the public-key management center 42 through the path 46 via the network 43. The public-key management center 42 puts the public-key in a predetermined position of the public-key distribution screen as shown in FIG. 10A and further, adds the identification data for user 44, as shown in FIG. 10B, in the image screen of the public-key distribution screen as an invisible electronic watermark to be transferred to the user 44 through the path 47 via the network 43.
> As the identification data for user used here, it is possible to directly use information such as a user name, and also possible to use an electronic fingerprint which the information is reduced to 16-byte data with MD5 hash algorithm.
> The public-key distribution screen is prepared by using HTML or XML to easily separate the put public-key, and an image data is entered to a part thereof. In this image data, identification data (user's ID) of the user 44 is added as an invisible electronic watermark.
> The algorithm for the invisible electronic watermark and the added position are known only to the public-key management center. The public-key management center can know the description of the electronic watermark when detected as shown in FIG. 10B, however, a normal screen as shown

> in FIG. 10A is provided when viewed and cannot be known the description of the electronic watermark for other people.
> If the image screen is used for an advertisement, the cost required for the distribution of the public-key can be earned through the advertisement fees. Additional information such as urgent or notice information can be further inserted on another part thereof. Furthermore, a time stamp may be added to carry out management such as setting of a valid period.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the key is sent to the receiver device with the availability information message as taught by Saito '218 in the invention of Danker to provide a system which when protected data or content is downloaded from a network server to a user device, an authentication process as to whether the user device is a legitimate device that is allowed to access protected data or content, for example, based on a public key cryptosystem or a shared-key cryptosystem, thereby verifying the authenticity of the user device and enabling a system to deliver a media availability notification message.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danker et al. (US Patent Application Pub No.: 20040172662 A1) in view of Mostafa (US Patent Application Publication No.: 20020087549 A1; hereafter Mostafa '549).

As per claim 5, all the limitations of claim 1 have been discussed above. However, Danker does not disclose wherein transmission of the image to the telecasting station and transmission of the availability information message to the receiver device take place at the same time.

On the other hand, Mostafa '549 teaches wherein transmission of the image to the telecasting station and transmission of the availability information message to the receiver device take place at the same time. (Mostafa,

> Paragraph [0096] states:
> When initiating the communication of a multimedia message to MMS user agent B, MMS user agent A first selects the media content to be transmitted.For example, **the media content may take the form of a video clip and an associated audio track, stored in the memory of MMS user agent A. The clip may have been recorded, for example, using a camera, video/audio capture and encoding equipment built into MMS user agent A. Alternatively, the clip may already have been downloaded from another source to MMS user agent A. In either case, MMS user agent A encapsulates the media content as a multimedia message,comprising the media content itself, Information necessary to describe the media content and addressing information, identifying the intended recipient of the message.** MMS user agent A then sends the message to MMS relay A through MNW A. In an alternative embodiment of the invention, **the clip may be transmitted while it is being captured.** In this case it cannot be encapsulated into a multimedia message.
>
> Paragraph [0097] states:
> In general, the content of a multimedia message can comprise a variety of components, some of which are suitable for streaming, such as the video clip mentioned above, and other components which are not typically suitable for streaming.
> Paragraph [0098] states:
> Referring once more to the example depicted in FIG. 3, on receiving the multimedia message, MMS relay A determines, from the addressing information included with the message, that the intended recipient is not **an MMS user agent of MMSE A but an MMS user agent of MMS relay B and forwards the multimedia message to MMS relay B. Routing of the multimedia message to the correct MMS relay, i.e. that responsible for MMS user Agent B is achieved,** for example, using standardised mechanisms provided for in the existing 3GPP multimedia messaging solution. According to 3GPP technical specification 23.140 V.3.0.1., the MMS shall support the use of E-Mail addresses or mobile subscriber international standard directory numbers (MSISDN) to address the recipient of a multimedia message. In the case of E-Mail addresses standard internet message routing should be used.
> Paragraph [0099] states:

> On receiving the multimedia message, **MMS relay B stores the media content in MMS server B and sends a notification to the intended recipient, MMS user agent B, thereby indicating that a multimedia message has arrived and its content is available to be downloaded from MMS relay B. In response to receiving the notification, MMS user Agent B retrieves the media content from (via) the MMS relay B. The retrieval of the media content is initiated by signalling with MMS relay B.)**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein transmission of the image to the telecasting station and transmission of the availability information message to the receiver device take place at the same time as taught by Mostafa '549 in the invention of Danker to provide a system that synchronizes transmitting an availability notification with an image to a subscriber.

As per claim 7, all the limitations of claim 1 have been discussed above. However, Danker does not disclose wherein the availability information message and/or acknowledgement are messages transmitted by Internet.

On the other hand, Mostafa '549 teaches wherein the availability information message and/or acknowledgement are messages transmitted by Internet **(**Mostafa,

> Paragraph [0005] and Figure 1 states:
> FIG. 1 also shows a connection between the MMS relay and an IP network, for example the Internet. **This connection enables a User agent resident in a mobile network to e.g. receive multimedia messages from an electronic mailbox connected to the IP network or to exchange multimedia messages with a user (e.g. an e-mail client) in the IP network. The IP connection may also serve as a link**, coupling the MMS relay to a third mobile telecommunication network, which also has access to one or more MMS user agents.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the availability information message and/or acknowledgement

are messages transmitted by Internet as taught by Mostafa '549 in the invention of Danker to provide a system which facilitates utilizing the internet to deliver availability notifications.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danker et al. (US Patent Application Pub No.: 20040172662 A1) in view of D'Amico et al. (US Patent Application Pub No.: 20040032853 A1: hereafter D'Amico '853)

As per claim 6, all the limitations of claim 1 have been discussed above. However, Danker does not disclose the transmission by the receiver device, of an acknowledgement of the image and the interruption of the broadcasting of the image in response to the acknowledgement.

On the other hand, D'Amico '853 teaches the transmission by the receiver device, of an acknowledgement of the image and the interruption of the broadcasting of the image in response to the acknowledgement (D'Amico,

> Paragraph [0044] states:
> After transmitting the information packet to the wireless device 104, the BTS system controller 201 determines whether or not the wireless device 104 successfully received the information packet. As used herein, "successfully received" refers to the receipt of an information packet that is in such a state or condition that the information contained in the information packet can be substantially recovered by the wireless device 103-107 that received the packet. **In a preferred embodiment, the successful or unsuccessful receipt of the transmitted information packet is determined by the presence of an ACK or a NACK, respectively, in the reverse time slot 404 of the allocated TDD communication channel. Alternatively, as described above, the absence of an ACK or a NACK in the reverse time slot 404 of the allocated TDD communication channel may be used to determine that the information packet was not successfully received by the wireless device 104.**
>
> Paragraph [0045] states:

If the BTS system controller 201 determines that the information packet was received successfully by the wireless device 104 (e.g., due to the presence of an ACK in the reverse time slot 404), the BTS system controller 201 deletes the information packet from the buffer memory 211, stores the next information packet in the buffer memory 211.).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the transmission by the receiver device, of an acknowledgement of the image and the interruption of the broadcasting of the image in response to the acknowledgement as taught by D'Amico '853 in the invention of Danker to provide a system which facilitates successful media delivery notifications.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over over Danker et al. (US Patent Application Pub No.: 20040172662 A1) in view of Nakano (European Patent Application No.: EP 0 796 014 A1: hereafter Nakano '014)

As per claim 8, all the limitations of claim 1 have been discussed above. However, Danker does not disclose wherein the image is broadcast by radio and/or by cable. On the other hand, Nakano '014 teaches wherein the image is broadcast by radio and/or by cable (Nakano,

> Column 3, lines 16-19 states:
> Terrestrial broadcasting wave 42 or satellite broadcasting wave or CATV radiowave are used to connect between the still picture broadcasting station apparatus 38 and the user apparatus 40.
>
> Column 4, lines 25-27 states:
> The television wave transmitting path may be terrestrial broadcasting wave, satellite broadcasting wave or CATV).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the image is broadcast by radio and/or by cable as taught by

Nakano '014 in the invention of Danker to provide a system which enables network devices to communicate using either a fixed wire or radio network.

As per claim 9, all the limitations of claim 1 have been discussed above. However, Danker does not disclose wherein the image distribution request is transmitted from the user to the central server using a surcharged electronic message.

On the other hand, Nakano '014 teaches wherein the image distribution request is transmitted from the user to the central server using a surcharged electronic message.

(Nakano,

> Column 6, lines 5-10 states:
> When the request from the user for utilization of information service is received, the information provider apparatus 9 charges a fee when necessary and transfers the request for the still picture broadcasting from the user to the still picture television broadcasting station**)**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the image distribution request is transmitted from the user to the central server using a surcharged electronic message as taught by Nakano '014 in the invention of Danker to provide a system which charges a service fee to subscribers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernique T. Leathers whose telephone number is (571)270-5738. The examiner can normally be reached on Monday through Thursday, from 7:00am to 5:30pm, Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V.T.L./
Vernique Leathers
Examiner, Art Unit 2456
December 17, 2008

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2456